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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/733,480	12/11/2003	Robert P. Hart	2500-016E-1	7711

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EXAMINER

MAUST, TIMOTHY LEWIS

ART UNIT PAPER NUMBER

3751

DATE MAILED: 04/13/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary	Application No.	Applicant(s)	
	10/733,480	HART ET AL.	
	Examiner	Art Unit	
	Timothy L Maust	3751	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 December 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 60-82 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 60-82 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11 December 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>6/1 and 6/4/04</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Specification

Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. Currently the Abstract is over 200 words in length.

Drawings

The drawings filed on 12/11/03 are informal, since the letters, numbers and lines are not uniform in nature in Figure 3.

Claim Objections

Claim 81 is objected to because of the following informalities: Claim 81 is dependent upon claim 31, which is canceled. Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 70 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 70 recites the limitation "the dispenser loop" in line 3. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 60-69, 71-75 and 80-82 are rejected under 35 U.S.C. 102(e) as being anticipated by Rowland et al ('415).

In regard to claim 60, 62 and 63, the Rowland et al. reference discloses a "vapor recovery system" (Figure 1) comprising a "flow meter" 140, a "vapor return line" 20, a "vapor flow sensor" 110 and "calculating" a ratio (see col. 6, lines 38-45), as claimed.

In regard to claim 61, see "electronic control" 80.

In regard to claims 64-66, see column 9, lines 28-41.

In regard to claim 67, see column 10, lines 10-12.

In regard to claim 68, the ration is air to liquid (see col. 6, lines 38-45).

In regard to claim 69, see column 9, lines 54-56.

In regard to claims 71 and 72, the generalized equation would be inherent to the electronic control 80.

In regard to claims 73-75, see column 10, lines 15-32.

In regard to claim 80, see column 7, lines 60-64.

In regard to claims 81 and 82, a pressure drop in the system indicates a reverse flow and a leak (see column 10, lines 15-32).

Claims 60-68, 71, 76, 77 and 80-82 are rejected under 35 U.S.C. 102(e) as being anticipated by Pope et al ('539).

In regard to claims 60, 68 and 80, the Pope et al. reference discloses a "vapor recovery system" 52 (Figure 2C) comprising a "flow meter" 54, a "vapor return line" 34, a "vapor flow sensor" 66 and "calculating" a ratio (see col. 4, lines 42-45), as claimed.

In regard to claim 61, see "electronic control" 50.

In regard to claims 62 and 63, see column 3, lines 29 and 30.

In regard to claims 64, 65, 73 and 80, see column 4, lines 21-45.

In regard to claim 66, see column 4, lines 62-66.

In regard to claim 67, see column 10, lines 10-12.

In regard to claims 71 and 72, the generalized equation would be inherent to the electronic control 50.

In regard to claims 76 and 77, see column 4, line 46 through column 5, line 8.

Claims 60-68, 71, 72, 76-79 and 80-82 are rejected under 35 U.S.C. 102(e) as being anticipated by Nanaji et al ('165).

In regard to claims 60, 66-68 and 80, the Nanaji et al. reference discloses a "vapor recovery system" (Figure 2B) comprising a "flow meter" 54, a "vapor return line" 8, a "vapor flow sensor" 71 and "calculating" a ratio (see col. 4, lines 42-45), as claimed.

In regard to claim 61, see "electronic control" 50.

In regard to claims 62-67, see column 3, line 20 through column 4, line 45.

In regard to claims 71 and 72, the generalized equation would be inherent to the electronic control 50.

In regard to claims 76 and 77, see column 9, lines 40-59.

In regard to claim 78, see column 6, lines 35-41.

In regard to claim 79, 81 and 82, see column 11, lines 1-30.

Allowable Subject Matter

Claim 70 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Timothy L Maust whose telephone number is (571) 272-4891. The examiner can normally be reached on Tue. - Thur. 6:30 - 5:00.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Justine R Yu can be reached on (571) 272-4835. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Timothy L Maust
Primary Examiner
Art Unit 3751

Tlm
3/30/05